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7 *Attorneys for BAC Home Loans Servicing LP,*
8 *ReconTrust Company, N.A., Federal National*
9 *Mortgage Association, Bank of America, N.A.,*
10 *and Mortgage Electronic Registration Sys. Inc. (nominally)*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 DAVID C. CORN, a/k/a DAVID CORN, a/k/a
14 DAVID COURTNEY CORN, an unmarried
and/or single man,

15 Plaintiffs,

16 v.

17 RECONTRUST COMPANY, N.A.; FEDERAL
18 NATIONAL MORTGAGE ASSOCIATION;
BAC HOME LOAN SERVICING LP, f/k/a
19 COUNTRYWIDE HOME LOANS SERVICING
LP; MORTGAGE ELECTRONIC
20 REGISTRATION SYSTEMS, INC.; WESTERN
TITLE COMPANY, INC.; BANK OF
21 AMERICA, SUCCESSOR TO
COUNTRYWIDE BANK, FSB; JOHN DOES 1
through 10; ALL NAMED DEFENDANTS
JOINTLY AND SEVERALLY,

22 Defendants.
23

Case No. 3:10-cv-00136-RCJ-VPC

ORDER CANCELING LIS PENDENS

24 This Court issued an Order granting Defendants' Motion to Dismiss without leave to amend
25 on March 24, 2011 [Dkt. 24]. On March 30, 2011, Plaintiff DAVID C. CORN, a/k/a DAVID
26 CORN, a/k/a DAVID COURTNEY CORN ("Plaintiff") filed a Motion for District Judge to
27 Reconsider Order [Dkt. 26]. On April 25, 2011, Defendants filed a Response to Plaintiff's Motion
28 for District Judge to Reconsider Order [Dkt. 28]. On September 8, 2011, this Court denied

AKERMAN SENTERFITT LLP

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1 Plaintiff's Motion for District Judge to Reconsider Order [Dkt. 32].

2 Defendants request that the *lis pendens* Plaintiff recorded against the subject property in
3 connection with this lawsuit be canceled.

4 The Court finds that Plaintiff recorded a Notice of Pendency of Action ("Lis Pendens") on
5 January 19, 2010, as Instrument No. 3840716, in the real property records maintained by the Washoe
6 County Recorder. A copy of the Lis Pendens is attached hereto at **Exhibit A** and fully incorporated
7 by reference.

8 UPON CONSIDERATION of Defendants' request to cancel the Lis Pendens, and good cause
9 appearing therefore, the Court hereby grants Defendants their requested relief and rules as follows:

10 1. IT IS ORDERED, ADJUDGED, and DECREED that the Lis Pendens is hereby
11 cancelled, released, and expunged.

12 2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Order canceling
13 the Lis Pendens has the same effect as an expungement of the original Lis Pendens.

14 3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants record a
15 properly certified copy of this cancellation Order in the real property records of Washoe County,
16 Nevada within a reasonable amount of time from the date of this Order's issue.

17 APPROVED:

18 
19 UNITED STATES DISTRICT JUDGE

20 Dated: October 27, 2011 _____

21 Submitted by:
22 **AKERMAN SENTERFITT LLP**

23 /s/ Christina S. Bhirud
24 ARIEL E. STERN
25 Nevada Bar No. 8276
26 CHRISTINA S. BHIRUD
27 Nevada Bar No. 11462
28 400 South Fourth Street, Suite 450
Las Vegas, Nevada 89101

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of September, 2011, and pursuant to FRCP 5(b), I served via CM/ECF and/or deposited for mailing in the U. S. Mail a true and correct copy of the foregoing **[Proposed] ORDER CANCELING LIS PENDENS**, postage prepaid to the following parties:

GREGORY D. CORN, ESQ.
GREGORY D. CORN, CHTD.
592 5th Street
Elko, NV 89801

/s/ Debbie Julien
An Employee of Akerman Senterfitt

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450
LAS VEGAS, NEVADA 89101
TEL.: (702) 634-5000 – FAX: (702) 380-8572

Exhibit A

Exhibit A

DOC # 3840716

01/19/2010 04:18:24 PM

Requested By
RENO CARSON MESSENGER SERVICE INC
 Washoe County Recorder
 Kathryn L. Burke - Recorder
 Fee: \$18.00 RPTT: \$0.00
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APN# _____

Recording Requested by:

Name: Gregory Corn
 Address: 593 5th Street
 City/State/Zip: Elko, Nev. 89801

When Recorded Mail to:

Name: SAM L
 Address: _____
 City/State/Zip: _____

Mail Tax Statement to:

Name: _____
 Address: _____
 City/State/Zip: _____

(for Recorder's use only)

Notice of Pending of Action
 (Title of Document)

Please complete Affirmation Statement below:

☒ I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
 (Per NRS 239B.030)

-OR-

☐ I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law:

(State specific law)

C. Pounds (REMS) Agent
 Signature Title

A. Pounds
 Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2
 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

(Additional recording fee applies)

FILED

2010 JAN 19 PM 2:31

HOWARD W. CONYERS

BY DEPUTY G. Parney

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

DAVID C. CORN AKA DAVID CORN
AKA DAVID COURTNEY CORN, an
unmarried man and/or a single man,

Plaintiff,

v.

RECONTRUST COMPANY, N.A.;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION; BAC HOME LOAN
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
WESTERN TITLE COMPANY, INC.;
JOHN DOES 1 THROUGH 10; ALL
NAMED DEFENDANTS JOINTLY AND
SEVERALLY,

Defendants.

NOTICE OF PENDENCY OF ACTION
(NRS 14.010)

DAVID C. CORN AKA DAVID CORN AKA DAVID COURTNEY CORN, an
unmarried man and/or a single man pursuant to the provisions of NRS 14.010 et.seq.
hereby gives Notice of the pendency of an action affecting real property and shows the
Court as follows:

1. The name(s) of the parties to the civil action filed by Plaintiff are as follows:

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1 A. Plaintiff - DAVID C. CORN AKA DAVID CORN AKA DAVID
2 COURTNEY CORN, an unmarried man and/or a single man.

3
4 B. Defendants:

- 5 a. RECONTRUST COMPANY, N.A.;
- 6 b. FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA);
- 7 c. BAC HOME LOANS SERVICING, LP, FKA COUNTRYWIDE
8 HOME LOANS SERVICING, LP.;
- 9 d. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
10 INC.;
- 11 e. WESTERN TITLE COMPANY, INC.; and
- 12 f. JOHN DOES 1 THROUGH 10 - ALL NAMED DEFENDANTS
13 JOINTLY AND SEVERALLY

- 14
- 15 2. The object of the action is to challenge the enforceability of the non-judicial
16 foreclosure proceedings taken by the Defendants individually, jointly, and/or
17 severally with respect to that certain non-judicial foreclosure proceeding
18 against Plaintiff resulting in the recordation of a Trustees Deed Upon Sale
19 executed by Defendant RECONTRUST COMPANY in favor of Defendant
20 FEDERAL NATIONAL MORTGAGE ASSOCIATION and including causes
21 of action for conversion of the Corn vested estate interest in the real property
22 described below; for fraud by Defendants according to the allegations
23 contained in Plaintiff's Verified Complaint, working an absolute merger of
24 Title of the Corn Trust Deed with the beneficial interest held in the Corn Note
25 and Deed of Trust held of record by FEDERAL NATIONAL MORTGAGE
26 ASSOCIATION before conveyance of the Corn vested estate to FEDERAL
27 NATIONAL MORTGAGE ASSOCIATION resulting in a loss of the security
28 interest and making the debt, if any, owed by Corn under the Promissory

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1 Note unsecured; for a Quiet Title; for Conversion; for Judgment of the Court
2 that Defendant BAC HOME LOANS SERVICING, LP, FKA COUNTRYWIDE
3 HOME LOANS SERVICING, LP, fraudulently failed to permit Plaintiff to
4 exercise of his right to participate in the home retention program signed into
5 law from and after January 15, 2009; also, Plaintiff brings a separate cause
6 of action for judicial declaration that the Deed of Trust was from execution
7 date on or around February 28, 2007 through foreclosure date on or around
8 October 22, 2009 held exclusively by Defendant, MERS and the Note from
9 Note creation date through foreclosure commencement and thereafter held
10 by BAC Home Loan Servicing LP or its predecessors and exclusively
11 collected upon by BAC and not MERS and that such conduct by BAC was
12 intentional thereby rendering the Deed of Trust incapable of being foreclosed
13 upon by MERS.

14
15 3. The description of the real property to which this lis pendens (NRS 14.010
16 et. seq.) applies is 1500 Fairfield, Reno, Nevada (APN: 011-336-08), and
17 more fully described in the Notice of Default (NOD), recorded by Trustee,
18 Defendant RECONTRUST, and thereafter more fully identified in the Notice
19 of Trustees Sale given by Defendant Trustee RECONTRUST as more fully
20 identified in the Verified Complaint filed on or around even date herewith,
21 and in addition for a Judgment of this Court that the credit bid of any and/or
22 all of the Defendant Beneficiaries worked an extinguishment of any
23 promissory obligations due from Plaintiff to each and every, all and singular,
24 jointly and severely, the Defendants named in the Verified Complaint.

25
26 4. The recordation of the filing of the Notice of Pendency of Action must also
27 act as constructive notice to a purchaser or encumbrancer of the real
28 property affected as described hereinabove and in the Verified Complaint,

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and located in the County of Washoe, State of Nevada, City of Reno and
being Washoe County APN 011-336-08.

DATED: This 8 day of January, 2010.

GREGORY D. CORN CHARTERED
592 5th St.
Elko, NV 89801

By: 
GREGORY D. CORN, ESQ.
NV Bar #645
Attorney for PLAINTIFF

CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy of
the original on file and of record in my office.

DATE: January 19, 2010
HOWARD W. CONYERS, Clerk of the Second
Judicial District Court, in and for the County
of Washoe, State of Nevada.

By:  Deputy